

REMARKS

I. Recognition of Allowable Subject Matter

Claims 2-5, 12, 13, and 16 were noted to be allowable if rewritten in independent form in the outstanding Office Action. The current amendments include claim 2 and 12 rewritten in independent form including some modification, such as the change of “light permeable lens” to --light permeable member-- in claim 2 to ensure an adequate scope of protection. Claims 2-5, 12, and 13 should thus be allowable by the current amendment.

II. Prior Art Rejections

Claims 1, 6, 8, 9, 11, 14, 15, 19, and 20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Shih US 5,624,029 (hereafter Shih). Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shih. Claims 10 and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Shih in view of Gugel et al. US 5,913,380 (hereafter Gugel). Claim 17 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Shih in view of Meisner et al. 5,011,013 (hereafter Meisner).

However, in regards to claim 1, the light permeable member 271 of Shih is located in a side wall of the base member 1 of the tool box rather than in a side wall of the cover. Therefore Shih clearly does not anticipate or render obvious claims 1 or 6-10 as amended.

In regards to claim 11, Shih fails to anticipate or render obvious that the illumination device is movable and instead shows a fixed illumination device. Therefore Shih clearly does not anticipate or render obvious claims 11 or 14-20 as amended.

Neither Gugel nor Meisner remedy these deficiencies in Shih.

Claims 21-23 are newly presented and are considered to be allowable over the prior art of record.

III. Closing Points

If any further issues are noted by the examiner that would help resolve issues of the current application he is invited to contact applicant's representative at the telephone number below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW
RITTMAN LLP



JACK S. BARUFKA
Reg. No. 37087
Tel. No. 703.905.2012
Fax No. 703.905.2500

Date: May 10, 2005
P.O. Box 10500
McLean, VA 22102
(703) 905-2000